

1 William D. Hyslop
2 United States Attorney
3 Eastern District of Washington
4 Stephanie Van Marter
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767
9

10
11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON
13

14 UNITED STATES OF AMERICA,)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Plaintiff,)

v.)

IVAN RENTERIA CASTILLO and)
DUVIEL HUMBERTO SOLARES)
GASTELUM,)

Defendants.)

4:19-CR-06049-SMJ

Revised Status Report, Motion to
Set New Trial Date and Proposed
Scheduling Order

Plaintiff, United States of America, by and through William D. Hyslop,
United States Attorney for the Eastern District of Washington, and Stephanie Van
Marter, Assistant United States Attorney for the Eastern District of Washington,
hereby submits the following Revised Status Report.

A status report was previously filed on March 16, 2020. ECF 92. Since
that filing, the United States has filed responses to Defendant Renteria Castillo's
motions. Additionally, on March 19, 2020 in response to the COVID-19
outbreak, a general Order was issued from the Chief District Court Judge for the

Revised Status Report, Motion to Set New Trial Date and Proposed Scheduling
Order- 1

Status.docx

1 Eastern District of Washington, vacating all court matters at this point, from
2 March 19, 2020 until April 13, 2020. This includes vacating the previously
3 existing scheduling orders. The General Order also provided the following
4 findings as to the application of the Speedy Trial Act:

5 As to pending criminal cases, the Court finds, given the outbreak of
6 the COVID-19, that rescheduling in-person hearings set in the near
7 future would result in minimizing undue risk to defendants, counsel,
8 law enforcement, Court staff, grand jurors, petit jurors, witnesses, and
9 the public at large. The Court also finds current public health
10 advisories reduce the Court's ability to obtain an adequate spectrum of
11 jurors and curtails the availability of counsel and Court staff to be
12 present in the courtroom. Therefore, the Court finds, based on the
13 widespread nature of the risks posed by COVID-19, that the ends of
14 justice served by resetting hearings in all pending criminal cases during
15 this period outweigh the best interest of the public and each affected

16 L ORDER NO. 20-101-1 ~ 2

17
18
19 defendant in speedy trials, and the period between the date of entry of
20 this Order and April 14, 2020, may be excluded from Speedy Trial Act
21 calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of excludable
22 delay will be entered contemporaneously in each individual case,
23 along with an amended scheduling order;

The United States has contacted counsel and understands that Mr. Marchi will be filing a motion to continue the trial date with a statement of reasons on behalf of his client. Defendant Renteria Castillo objects to any continuance and therefore, any further reference to "parties" is only in reference to the United States and Co-Defendant Solares Gastelum. Defendant Renteria Castillo's objection has been noted on multiple occasions.

The Court's deputy contacted the parties to advise of a new proposed PT conference date in order to address Mr. McKinley's scheduling conflict and further requested a revised case management proposal be filed. Here is the revised case management proposal¹.

	Recommended Dates
Any new Pretrial motions, including discovery motions, Daubert motions, and motions in limine, filed	April 14, 2020
PRETRIAL CONFERENCE and motion hearing- Deadline for motions to continue trial trial)	<i>May 13, 2020 at 9:00am</i>
CI's identities, and willingness to be interviewed disclosed to Defendant	May 15, 2020
Grand jury transcripts disclosed to Defendant	May 15, 2020

¹ The United States is mindful there may be need for additional continuances depending on the status of the COVID-19 protocols.

Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to Court	June 8, 2020
Exhibit Lists and Witness Lists filed and emailed to the Court	June 8, 2020
Delivery of JERS – compatible digital evidence files to the Courtroom deputy	June 8, 2020
Technology readiness meeting (in-person)	June 11, 2020
FINAL PRETRIAL CONFERENCE-	9:00 a.m. first day of trial
JURY TRIAL	<i>June 15, 2020 at 9:00am</i>

DATED this 25th day of March 2020.

William D. Hyslop
United States Attorney

s/Stephanie Van Marter

Stephanie Van Marter
Assistant United States Attorney

CERTIFICATION

I hereby certify that on March 25, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following, and/or I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participant(s):

Adam R Pechtel

adam@pechtellaw.com

Douglas E McKinley

doug@mckinleylaw.com

Attorneys for Ivan Renteria Castillo (1)

Nicholas Wright Marchi

nmarchi@carmarlaw.com

Attorney for Duviel Humberto Solares Gastelum (2)

s/Stephanie Van Marter

Stephanie Van Marter

Assistant United States Attorney